PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PORAT, ALEX c/o Magna International Inc. 337 Magna Drive AURORA, Ontario Canada, L4G 7K1

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) 26 May 2005 (26-05-2005)

Applicant's or agent's file reference 702971PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No. PCT/CA2005/000152 International filing date (day/month/year) 07 February 2005 (07-02-2005)

Priority date (day/month/year) 06 February 2004 (06-02-2004)

International Patent Classification (IPC) or both national classification and IPC IPC(7): B60J 5/04, B62D 65/06

Applicant

INTIER AUTOMOTIVE CLOSURES INC. ET AL

1.	This o	pinion	contains	indications	relating to	the	following	items	:
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[X] Box No. I

Basis of the opinion

Box No. II

Priority

Box No. III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

[X] Box No. IV

Lack of unity of invention

[X] Box No. V

Reasoned statement under Rule 43bis. 1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement.

[] Box No. VI

Certain documents cited

[X] Box No. VII

Certain defects in the international application

[X] Box No. VIII

Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1 bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/CA Canadian Intellectual Property Office Place du Portage I, C114 - 1st Floor, Box PCT 50 Victoria Street

Gatineau, Quebec K1A 0C9 Facsimile No.: 001(819)953-2476 Authorized officer

Robert Gruber (819) 953-1889

В	ox ľ	No. I		Basis of this opini	ion				
1.	W	ith re	gard 1, u	to the language, this conless otherwise indicate	opinion has been established ed under this item.	on the basis of the	international applic	ation in the language	in which it
	[ן נ	his	opinion has been establ	lished on the basis of a transl	ation from the orig	zinal language into	the following language	e
	-	-		•	,which is the language of a t				
		(1	ınde	er Rules 12.3 and 23.1(-			
2.	W in	ith reg ventio	ard n, tl	I to any nucleotide and his opinion has been est	l/or amino acid sequence dis stablished on the basis of:	closed in the inter	national application	and necessary to the c	laimed
	a.	type	of n	material	•	•		7	
		[]	a sequence listing					
		[]	table(s) related to the	sequence listing	*			
	b.	form	at o	f material	•				٠
		[]	in written format		* •			
		[]	in computer readable f	form				
	c.	time	of fi	iling/furnishing	·				
		[]	contained in the intern	national application as filed.				
		[J	filed together with the	international application in o	computer readable	form.		
		[]	furnished subsequently	y to this Authority for the pur	poses of search.			
3	[] _. In	ado	dition, in the case that n	more than one version or copy	y of a sequence lis	ting and/or table rel	ating thereto has been	filed or
•		⊂ fu fil	rnis ed o	shed, the required staten or does not go beyond t	ment that the information in the application as filed, as app	he subsequent or a propriate, were fur	dditional copies is in instance.	dentical to that in the	application as
4.	Ad	ldition	al c	comments :			ı		
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Box No. IV	Lack of unity of invention
1. [] In res	sponse to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
	paid additional fees
[]	paid additional fees under protest
[]	not paid additional fees
2. [X] This A addition	Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay onal fees.
3. This Authori	ty considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
[] c	omplied with
[X] n	ot complied with for the following reasons:
R th	. Claims 1-34 delate to a door module assembly and method of assembly of the module comprising a carrier, a first trim panel connected to be carrier and a second trim panel connected to the first trim panel whereby the second trim panel moves to an installed osition overlapping the carrier.
R re	. Claim 35 elates to a motor vehicle door comprising inner and outer sheet metal layers joined together wherein the inner layer has two elatively large holes and an intervening area, between the holes, having vertically oriented ribs used to fasten a door handle lereto.
•	\cdot
•	
	this opinion has been established in respect of the following parts of the international application:
[X] all j	
[] the	parts relating to claim Nos.

International application No. PCT/CA2005/000152

		FC1/CA2005/000152
Box No. V Reasoned s applicabilit	tatement under Rule 43 <i>bis</i> .1(a)(I) with regard to nove y; citations and explanations supporting such stateme	lty, inventive step or industrial ent
1. Statement		
Novelty (N)	Claims <u>1-35</u>	YES
	Claims None	NO
Inventive step (IS)	Claims <u>1-34</u>	YES
	Claims 35	NO
Industrial applicabilit	y (IA) Claims <u>1-35</u>	YES
	Claims	NO
	·	

2. Citations and explanations:

Reference is made to the following documents:

D1: US 6,510,657 D2: WO 03/057519

D1 discloses a door module having two large access openings to provide access to a cavity of the door. Located between the openings is a mounting surface comprising vertically oriented ribs used to increase the structural rigidity and thereby be suitable for mounting a door hardware module.

D2 is considered to represent the most relevant state of the art for claims 1-34 and discloses a method for assembling a motor vehicle door comprising a structural door having inner and outer sheet metal layers joined to define a cavity therebetween, the inner sheet metal layer having two access holes that allow access to said cavity. A plurality of hardware components are attached to a secondary trim component to form a door module assembly which is attached to the structural door. A trim panel is secured to the structural door overlaying the door module assembly and cooperating therewith to form a map pocket opening.

Claim 35 lacks an inventive step under PCT Article 33(3) as being obvious over D1. D1 shows all the features of claim 35 with the exception of a door handle being fastened to a intervening surface. A person skilled in the art would recognize that the intervening area can be used to fasten any hardware to it because of its relative structural rigidity as exemplified by D1 and therefore does not involve an inventive step.

Claims 1-35 meet the criteria for Industrial Applicability set out in PCT Article 33(4) because the claimed invention can be made or deemed useful in industry.

International application No. PCT/CA2005/000152

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

With regard to Rule 8.1(d) PCT, each main technical feature mentioned in the abstract and illustrated by a drawing in the international application shall be followed by a reference sign, placed between parentheses.

With regard to claim 16, last line, it is believed to read: "... the entire surface area of the inner sheet metal layer."

With regard to claim 35, line 5, it is believed to read: "... the intervening surface of the inner sheet metal layer ...".

International application No. PCT/CA2005/000152

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Regarding claim 1, it is unclear (Article 6 PCT) whether "the carrier plate" (lines 6 and 7) references the element "a carrier" (line 2).

Regarding claim 30, it is unclear (Article 6 PCT) which "corresponding hinge" (line 3) is being referenced.

Regarding claim 35, it is unclear (Article 6 PCT) whether "the two access holes" (line 4) reference the elements "two relatively large holes" (line 3). Furthermore, "large" is an comparative term with no reference thereby resulting in a lack of clarity.

The description does not comply with PCT Article 5. A statement in an application, such as on page 13, line 21-22, which incorporates by reference an unpublished document, should not be regarded as being part of the description. A person skilled in the art should be able to understand the patent specification without reference to any other document. Applicant must fully identify the document referred to on line

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Bo	ox No	o. I		Basis of this o	opinion						
1.	Wit	th reg	ard d, ur	to the language, to	this opinion has dicated under the	been esta is item.	ablished on the b	asis of the int	ternational ap	plication in the la	anguage in which it
	Ţ	јт	his (opinion has been e	established on th	ne basis o	of a translation fr	om the origin	ıal language i	nto the following	language
										ses of internations	
				r Rules 12.3 and 2	23.1(b)).			-			
2.	Witi inve	h reg entio	ard in, th	to any nucleotide is opinion has bee	and/or amino a en established or	acid sequ n the basi	nence disclosed in is of:	n the internat	ional applicat	tion and necessar	y to the claimed
	a. 1	type (of m	naterial							
		[)	a sequence listing	<u>;</u>						
		[)	table(s) related to	the sequence li	sting	•				
•	b. f	forme	at of	material							
		[]	in written format				•			
		[]	in computer reada	able form						
	c. t	time (of fi!	ling/furnishing			•				
		[]	contained in the in	nternational app	lication a	as filed.				
		[] .	filed together with	n the internation	al applica	ation in compute	ञ readable fo	rm.		
		[]	furnished subsequ	ently to this Au	thority fo	or the purposes o	of search.			÷
3	[lition, in the case t							
		fur fil	mish ed o	hed, the required s or does not go beyo	tatement that the ond the applicat	e informa ion as file	ation in the subseted, as appropriat	equent or add te, were furnis	itional copies shed.	s is identical to the	nat in the application as
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Во	x No	o. IV	Lack of unity of invention
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International application No. PCT/CA2005/000152

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